

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rulemaking on the Commission's Own Motion to Govern Open Access to Bottleneck Services and Establish A Framework for Network Architecture Development of Dominant Carrier Networks.

Rulemaking 93-04-003
(Filed April 7, 1993)

Investigation on the Commission's Own Motion into Open Access and Network Architecture Development of Dominant Carrier Networks.

Investigation 93-04-002
(Filed April 7, 1993)
(Collocation Phase)

**ADMINISTRATIVE LAW JUDGE'S RULING
SETTING PREHEARING CONFERENCE AND
SOLICITING PREHEARING CONFERENCE STATEMENTS**

This ruling sets a prehearing conference (PHC) in Rulemaking (R.) 93-04-003/Investigation (I.) 93-04-002 (commonly known as the "collocation" phase of the Open Access Network Architecture Development proceeding) to discuss the scope and schedule for the resolution of outstanding issues related to collocation and a motion filed by Pacific Bell Telephone Company (Pacific Bell) on July 8, 2005.

Pacific Bell's July 8 motion asks the Commission to set final collocation prices, noting that it has been operating under interim pricing arrangements since 1999. The Commission developed a relevant record in this proceeding in 2000 and has not issued an order since that time. Pacific Bell's motion notes that Qwest Communications has pending a complaint case against Pacific Bell that cannot be resolved until the Commission has adopted final collocation prices.

Since the filing of the July 8 motion, Pacific Bell and other parties have attempted to settle this proceeding. They have provided status reports to the Commission by way of electronic mail. Those electronic messages have been placed in the correspondence section of the formal file of the proceeding. In summary the events have been:

- On July 21, 2005, Administrative Law Judge (ALJ) Weismehl authorized the Pacific Bell to re-serve its July 8 motion and for the parties to file requests to intervene and/or responses to the motion no later than August 5, 2005, as described in an e-mail from Tom Selhorst dated July 21, 2005;
- On August 3, 2005, ALJ Weismehl authorized an open-ended extension of time for the parties to file responses to the July 8 motion of Pacific Bell and for the parties to report within 30 days of the progress of settlement negotiations, as described in an e-mail from Anita Taff-Rice dated August 3, 2005 and confirmed the same day in an e-mail from ALJ Weismehl;
- By email dated September 9, 2005, ALJ Weismehl granted an extension of time to October 6 for the parties to negotiate following an e-mail dated September 9, 2005 from Anita Taff-Rice seeking such extension of time;
- By e-mail dated November 23, 2005, ALJ Weismehl granted an extension of time to January 6, 2006 for the parties to negotiate following an e-mail dated November 7, 2005 from Anita Taff-Rice seeking such extension of time;
- By e-mail dated January 6, 2006, ALJ Weismehl granted an extension of time to February 20, 2006 for the parties to negotiate following an e-mail dated January 6, 2006 from Anita Taff-Rice seeking such extension of time;
- By e-mail dated February 23, 2006, ALJ Weismehl granted an extension of time to April 20, 2006 for the parties to

negotiate following an e-mail dated February 23, 2006 from Anita Taff-Rice seeking such extension of time.

The Commission has granted the parties several extensions of time and the most current deadline for the parties' discussion of these matters is April 20, 2006.

A PHC is set for May 4, 2006 at 11:00 a.m. The purpose of the PHC is to determine the scope and schedule for resolving collocation pricing issues.

Parties should come to the PHC prepared to discuss their proposals for resolving outstanding issues in this proceeding. This ruling also directs active parties to file, either jointly or individually, PHC statements that address the following:

- Brief history of the proceeding as it relates to collocation issues;
- Statement of outstanding collocation issues and scope of matters to be resolved by the Commission in this proceeding;
- How issues in this proceeding affect Case (C.) 05-05-030 and any other open Commission proceedings;
- Whether the parties require the assistance of a settlement judge;
- Proposed schedule for resolving issues in Pacific Bell's July 8 motion.
- The extent to which the existing record is current and reasonable for purposes of setting collocation rates and whether the Commission requires additional hearings on these issues.

The Commission intends to resolve these outstanding issues expeditiously and seeks the parties' cooperative efforts toward that objective.

IT IS RULED that:

1. A prehearing conference is scheduled for May 4, 2006 at 11:00 a.m.,
in San Francisco.
2. The prehearing conference statements sought herein shall be filed no later
than April 26, 2006.
3. The printed copies of electronic communications included in the
correspondence file of this proceeding and described herein are hereby included
in the record of the proceeding.

Dated April 19, 2006, at San Francisco, California.

/s KIM MALCOLM
Kim Malcolm
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Setting Prehearing Conference and Soliciting Prehearing Conference Statements on all parties of record in these proceedings or their attorneys of record.

Dated April 19, 2006, at San Francisco, California.

/s/ JANET V. ALVIAR

Janet V. Alviar

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.